

LFC Requester:**Eric Chenier****AGENCY BILL ANALYSIS
2016 REGULAR SESSION****WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:****LFC@NMLEGIS.GOV***and***DFA@STATE.NM.US***{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}***SECTION I: GENERAL INFORMATION***{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}**Check all that apply:*Original ☒ Amendment ☐
Correction ☐ Substitute ☐**Date** 2/3/ 2016**Bill No:** SB 262**Sponsor:** Sen. Richard Martinez
Administration of Opioid
Short Antagonists.**Agency Code:** 305**Person Writing** Susan Sullivan AAG**Phone:** 827-6070**Email** ssullivan@nmag.gov**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY16	FY17	FY18		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY16	FY17	FY18	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE**BILL SUMMARY**

This analysis is neither a formal Attorney General's Opinion nor an Attorney General's Advisory Letter. This is a staff analysis in response to an agency's, committee's, or legislator's request.

Synopsis:

SB 262, enacts a new section of the Public Health Act and amends the Pharmacy Act.

Section 1, SB 262, grants authority to possess, store, distribute dispense and administer opioid antagonists to a person regardless of whether the person holds a prescription for the opioid antagonist and permits any person holding a standing order to store or distribute an opioid antagonist. It further outlines the circumstances under which a pharmacist may dispense the opioid antagonist pursuant to a valid prescription. It provides that a person may administer an opioid antagonist when believing in good faith that the other person is experiencing a drug overdose and when acting with reasonable care. It sets forth the parameters for a licensed prescriber for prescribing, dispensing or distributing an opioid antagonist.

Section 1, establishes immunity from civil and criminal liability for both registered overdose prevention and education programs for individuals. SB 262 directs the DOH to maintain records consistent with privacy laws and to promulgate rules. It further defines terms.

In Section 2, SB 262 amends the Pharmacy Act. In significant part, it adds the provision that the Pharmacy Act does not prohibit the possession, storage, distribution, dispensing, administration or prescribing of an opioid antagonist in accordance with the provisions of the Public Health Act.

FISCAL IMPLICATIONS**SIGNIFICANT ISSUES**

SB 262 expands the use of Naloxone to third parties who may be in a position to prevent death from opiate overdose.

PERFORMANCE IMPLICATIONS**ADMINISTRATIVE IMPLICATIONS**

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

Section 1, I, uses the term “privacy” laws. It may be prudent to include additional language, adding, “confidentiality protections”.

OTHER SUBSTANTIVE ISSUES

In 2001, New Mexico became the first state in the US to establish a legal program for Naloxone distribution. SB 262 limits the opioid antagonists protected by this bill to Naloxone. Naloxone is a prescription medication that reverses the effects of an opiate overdose by blocking the opioid’s action in the brain and restoring breathing. Naloxone’s only purpose is to reverse overdose. It is not addictive. SB 262 is consistent with the recommendations of the 2012 SM 45 study group which provided recommendations in its interim report to the LHHS committee for expanded access to Naloxone.

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

Add the language “and confidentiality protections” to Section 1, I.